

§Appl. No. 10/691,596
Amdt. dated September ___, 2005
Reply to Office Action of, April 21, 2005

In the Drawings:

Applicant proposes to add reference numerals 16, 17 and 21 on Fig. 2 and reference numeral 21 on Fig. 3 as shown in red on the attached replacement sheet.

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REMARKS/ARGUMENTS

Claims 1-5 and 7-9 have been finally rejected as unpatentable over Woods '836 in view of Knoop et al. '075. Applicant respectfully traverses this rejection.

Considering first the primary reference, Woods '836, it is respectfully submitted that Woods does not disclose structure which corresponds to Applicant's claimed structure, not only because Woods fails to disclose a downpipe connector for attachment to a "canale", but because even when ignoring the canale, the structure claimed is neither taught nor suggested by Woods.

In the Final rejection, the Office Action states that Woods discloses a pipe connector (1) for attachment relative to a channel (3). While (1) is a pipe connector system, (3) is not disclosed in Woods at column 2, line 19 as a channel, but rather as a "continuous flange 3." The Examiner then states that the connector (1) of Woods '836 has a first portion with an upstanding wall (12). Applicant respectfully submits that whatever the first portion is, the wall (12) of Woods is a downwardly projecting wall because the wall (12) projects downwardly from a first portion which could only be the shoulder (11) of Woods. In Applicant's claimed invention, the connector has an upstanding wall (21) (see Fig. 5) with a floor (22) (see Fig. 5). In Applicant's claimed invention, the connector is described as passing through the base (11) of the channel (13) in the canale (10). There is no canale in Woods '836, rather there is only the flange (3), which the Office Action says corresponds to a channel, which is clearly not the case. The Office Action then states that there is a first tubular extension (6) of Woods projecting from the floor. In Fig. 1 of Woods, the floor appears

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to be the shoulder shown in Fig. 2, but the shoulder was previously described by the Examiner to be a floor. Applicant respectfully request the Examiner to look at Applicant's Fig. 3 in which Applicant has now added the reference numeral (21) which initially appeared in only Figs. 4 and 5. It is clearly seen in Fig. 3 that the upstanding wall (21) extends up into the channel (13) formed in the canale (10). Furthermore, there are flow passages (33) and (34) claimed as being located at the sides of the upstanding wall (21) of around which a small volume rain water flows so as not to enter the downpipe (30).

Applicant recites in claim 1 that the transverse wall (33) extends across the channel (13) in the canale (10) and is positioned downstream of the connector (20). The transverse wall (33) is also claimed as having a lower edge (33A) so that water may flow between the lower edge of the transverse wall and the base (12) of the channel (13). Note the gap shown between the lower edge 33A of the transverse wall (33) and the base (11) of the channel (13) in Fig. 3. The Office Action equates the reference numeral (2) of Woods '936 which is the inlet end of the body (1) to a transverse wall, but there is no gap between this transverse wall (2) and the floor to which one could equate channel (11) so as to allow water to pass beneath the transverse wall. If this was the case in Woods, the floor waste fitting would leak between the opening (2) and the transverse wall (11), which is certainly not a desirable result of a waste water fitting support. Clearly there is no structure in Woods '836 that corresponds to Applicant's claimed upstanding wall (33).

The Examiner relies on Knoop et al. '075 to cure the deficiencies of Woods '836 as a reference against Applicant's claims, however Knoop et al. is directed to a connection to a gutter (20)

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rather than a connection to a canale (11). While both Applicant and Knoop et al. have channels for water, they are clearly channels with different utilities in that a gutter runs parallel with the edge of a roof whereas a canale extends transverse to the edge of the roof (see Fig. 2). The Examiner's attention is also directed to Applicant's definition of a canale (10) that appears on page 1, line 6 - page 2, line 4 and which describes a structure for a canale that is substantially different from the structure for a gutter, such as the gutter disclosed in Knoop et al. Moreover, there is no suggestion in either Woods or Knoop et al. that walls, such as the upstanding wall (21) or transverse wall (33) claimed by Applicant might be of use in the gutter (20) of Knoop et al.

These are not distinctions without a difference. As is set forth in Applicant's specification at page 5, lines 27 - 43, the wall (21) ensures that low volume water does not flow through the connector (20), but rather around the connector (20) and through the sediment flow passages (34) and (35) and under the wall (33). In this way initial light rain which is likely to contain sediment does not flow through the connector, (20) into the rain water collector. Heavier flow, less likely to contain sediment, passes over the wall (21) and through the connector (20) assisted by the barrier presented by the wall (33). Applicant respectfully submits that none of this structure is taught or suggested by these references, either separately or in combination. Accordingly, it is respectfully requested that the rejection of Applicants claims has obvious over Woods in view of Knoop et al. should be withdrawn.

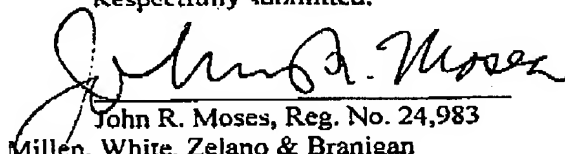
In that this is a full and complete response to the Office Action of October 6, 2004, this application is now in condition for allowance. If the Examiner for any reason feels a personal

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conference with Applicants' attorneys might expedite prosecution of this application, the Examiner is respectfully requested to telephone the undersigned locally.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted.


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Date: September __, 2005